

Chou describes a liquid toner composition containing the following:

- (a) electrostatically charged, colloidal elemental metal particles dispersed in a carrier liquid;
- (b) a soluble surfactant in sufficient concentration to to charge and stabilize the colloidal metal dispersion; and
- (c) an effective amount of organosol particles and/or at least one soluble polymer that is not a soluble surfactant. (col. 2, lines 55-64)

It is noteworthy that there is no teaching of toner particles that are comprised of a polymer and metal dispersed in the polymer (even without any requirement that the metal be in flake form). In Chou, the metal is separate from the organosol, which might be stretched to be (but probably should not be) considered "toner particles."

Fitzgerald on the other hand, does describe the use of metal flakes *added* to a colored powder which is not in the form of a liquid toner. It is again noteworthy that in Fitzgerald, while the other ingredients are ground together to form a powder in whose particles the materials (including metal powder) are mixed, the flakes are simply added to the powder (see col. 15, lines 26-29).

There is no teaching in any of art cited by the Examiner of *toner particles* as defined by claim 54 in which the flakes are dispersed within the toner particles themselves.

Applicants submit that at the very most, a person of skill in the art might have added flakes to the organosol of Chou, instead of the particles of Chou. However, there would have been no motivation to actually combine the flakes and a polymer to form toner particles.

In view of this analysis of the prior art, applicants submit that the Examiner has not made a *prima facie* case of obviousness, since, even were the two references combined, they would not result in the claimed toner particles.

Applicants further note that the other rejected claims are dependent on claim 54 and thus are also patentable.

In order to advance the prosecution of the application, and without any limitation in the scope of the claims, applicants submit that even were the Examiner to reject the claims over a reference in which metallic particles are dispersed within a polymer in combination with Fitzgerald, the claims would still be patentable. Applicants submit that the conventional wisdom (as exemplified by Fitzgerald) is that an attempt to incorporate flakes into a toner material would result in a destruction of their flake nature. Since modern toners are generally manufactured using

a grinding technique (as are the colored powders of Fitzgerald) the flakes would not stand up to the punishment of the grinding process.

In view of the above amendments and arguments, applicants submit that the application is in order for allowance. Notice to that effect is respectfully awaited.

Respectfully submitted,
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